



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,003	05/14/2001	Chii-How Chang	39088/234528	1199

22887 7590 02/12/2003

DISCOVISION ASSOCIATES  
INTELLECTUAL PROPERTY DEVELOPMENT  
2355 MAIN STREET, SUITE 200  
IRVINE, CA 92614

EXAMINER
----------

CHU, KIM KWOK

ART UNIT	PAPER NUMBER
----------	--------------

2653

DATE MAILED: 02/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/855,003	CHANG, CHII-HOW <i>DJ</i>	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kim-Kwok CHU	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
  - 2a) This action is **FINAL**.      2b) This action is non-final.
  - 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- Disposition of Claims**
- 4) Claim(s) 1-18 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
  - 5) Claim(s) \_\_\_\_\_ is/are allowed.
  - 6) Claim(s) 1-5 and 7-18 is/are rejected.
  - 7) Claim(s) 6 is/are objected to.
  - 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .  | 6) <input type="checkbox"/> Other: _____ .                                   |

***Claim Objections***

1. Claim 13 is objected to because of the following informalities:

(a) in claim 13, last line, the term "movable comprises" should be changed to --movable element--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States..

3. Claims 1-5 and 7-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Wakabayashi (U.S. Patent 5,905,255).

Wakabayashi teaches a magnetic position device having all the elements and means as recited in claims 1-5 and 7-18. For example, Wakabayashi teaches the following:

(a) as in claim 1, a movable element 2 having a first yoke assembly 20 (Fig. 13);

(b) as in claim 1, a fixed element 36 adjacent to the movable element 2 for generating a magnetic field to control the

movable element 2 to be moved toward a predetermined position (Fig. 13; directions T, F or R is the predetermined position);

(c) as in claim 2, the fixed element 36 comprises a second yoke assembly 32a and 32b; a magnet assembly 31a and 31b connected to the second yoke assembly 32a and 32b for generating the magnetic field (Fig. 18; column 19, lines 4-20);

(d) as in claim 2, a first coil 6a for generating a first motive force in a first direction in response to the magnetic flux of the magnetic field (Fig. 13; the first coil 6a is a tracking coil, column 15; lines 22-34);

(e) as in claim 2, a second coil 7a for generating a second motive force in a second direction in response to the magnetic flux of the magnetic field (Fig. 13; the second coil is the focusing coil; column 14, lines 63-67);

(f) as in claim 3, the second coil 7a is perpendicular to the first coil 6a (Fig. 13);

(g) as in claim 4, the second direction is perpendicular to the first direction (Fig. 14);

(h) as in claim 5, the first coil 6a and the second coil 7a are wound around the second yoke assembly 32a (Fig. 13);

(i) as in claim 7, the movable element 2 is capable of being moved along the first direction by the first motive force acted on the first yoke assembly (Fig. 13, tracking direction T is the first direction);

(j) as in claim 8, the movable element 2 is capable of being moved along the second direction by the second motive force acted on the first yoke assembly (Fig. 13, focusing direction F is the second direction);

(k) as in claim 9, the first coil 6a is a tracking coil (Fig. 13);

(l) as in claim 10, the second coil 7a is a focusing coil (Fig. 13);

(m) as in claim 11, the first yoke assembly 20 comprises two yokes 5a and 5c being mounted on two opposite sides of the movable element 2 respectively (Fig. 1; column 6, lines 5-10);

(n) as in claim 12, the driver is a read/write head of an optical read device (Fig. 13); and

(o) as in claim 13, the movable element 2 comprises an optical lens 1 (Fig. 13).

4. Claims 14-16 have limitations similar to those treated in the above rejection(s), and are met by the references as discussed above.

5. Claims 17 and 18 have limitations similar to those treated in the above rejection(s), and are met by the references as discussed above.

***Allowable Subject Matter***

6. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

As in claim 6, the prior art of record fails to teach or fairly suggest the magnet assembly which comprises a plurality of permanent magnets.

***Prior Art***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Song (6,091,553) is pertinent because Song teaches a pickup actuator having a movable yoke with coils.

Ohno (5,128,806) is pertinent because Ohno teaches an optical lens driving device.

Hashimoto et al. (5,105,405) is pertinent because Hashimoto teaches an optical lens driving device where a movable lens holder contains a plurality of permanent magnets.

Masunaga et al. (5,103,438) is pertinent because Masunaga teaches an optical lens driving device.

09/855,003  
AU 2653

page 6

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C.  
20231 Or faxed to:

(703) 872-9314 (for formal communications intended for entry. Or:

(703) 746-6909, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

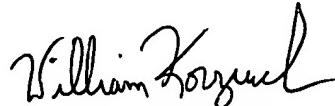
Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim CHU whose telephone number is (703) 305-3032 between 9:30 am to 6:00 pm, Monday to Friday.

KG 2/8/03

Kim-Kwok CHU  
Examiner AU2653  
February 5, 2003

(703) 305-3032

  
WILLIAM KORZUCH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600